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ANNUAL BANQUET

New Willard Hotel, Saturday, April 28, 1917, 7.30 o'clock, p.m.

The following guests were present:

Adams, E. B.	Irland, Fred.
Allain, Maître Frédéric	King, George A.
Amos, Justice Sheldon	Knapp, Judge Martin A.
Armour, Allison V.	La Fontaine, Henri
Aymar, F. W.	La Guardia, Señor
Baldwin, William H.	Latané, John H.
Barrett, John	Léon, Maurice
Brand, Charles S.	McMahon, Fulton
Bride, W. W.	McNeir, William
Church, Melville	Macfarland, H. B. F.
Conlen, William J.	Mackay, John
Couden, Chaplain H. M.	Ménos, Solon
Dean, Charles Ray	Minot, Grafton
Dennis, W. C.	Montúfar, Rafael
Easley, Ralph	Myers, D. P.
Edmunds, Sterling E.	Nicholson, Soterios
Eliot, Edward C.	Nielson, Fred
Evans, Lawrence B.	Niles, Judge Alfred S.
Finch, George A.	Niles, Harry
Finch, Wilbur S.	O'Brien, Thomas J.
Fletcher, Capt. W. B.	Penfield, Walter S.
Gammans, Nelson	Poole, John
Garza, E. de la	Pugsley, C. D.
Hanks, Stedman S.	Ralston, Jackson H.
Harriman, Edward A.	Riddle, J. W.
Hays, Arthur G.	Romero, José
Hill, David Jayne	Rosenberg, L. J., and guest
Holman, C. Vey	Russell, Justice B.
Hornbeck, Stanley K.	Scott, James Brown
Hyde, Charles Cheney	Shand, M. M.

Shatsky, Professor B.
 Shields, John K.
 Shoemaker, Capt. W. B.
 Slayden, James L.
 Snow, Alpheus H.
 Stockton, Admiral C. H.
 Straus, Oscar S.
 Sweet, Edwin F.
 Temple, Henry W.
 Tompkins, H. B.

Van Norman, Louis E.
 Van der Lyn, Theo. N.
 Wales, Edward H.
 Warren, Charles B.
 Wicker, Cyrus F.
 Wilson, George G.
 Wilson, Nathaniel
 Wise, Louis E.
 Woolsey, Lester H.
 Wyvell, Manton

The TOASTMASTER (Dr. DAVID JAYNE HILL). Gentlemen, for the first time in the course of its history, the American Society of International Law meets in the midst of a war in which our own country is taking part. A year ago at our annual meeting we were discussing questions of international relations which we did not suppose would be brought into action in the time that has since elapsed. To-day we find ourselves solemnized by this tragic fact of international conflict, in which we are taking part. This war has already brought its casualties to us. Were it not for the war, the President of this Society would be here to-night, no doubt, presiding and acting as Toastmaster upon this occasion. He has been called to perform a great national duty; he has been appointed by the President of the United States to go to the new Republic of Russia upon an important public errand. He is adding to the long list of his splendid public services this new, unique, and unexpected one.

I, therefore, ask you, as members of this Society, to rise and drink with me to the health of our President, and to the success of his mission — to Elihu Root. (Cries of "Root," "Root," "Root.")

It is, therefore, as the result of a war emergency that I have been conscripted to stand here to-night in a place that would be so much better occupied by any one of the long list of vice-presidents of this Society, or by many others who are not holders of office; but the lot has fallen upon me. It is not a case of volunteering, I can assure you, though I honor the volunteer; it is a case of out and out conscription — and a conscription without selection. However, it is not a disagreeable undertaking to present to a company like this the distinguished gentlemen who honor our festival to-night with their presence, and who will enlighten and inspire us with their eloquence.

We are engaged in war. There are those who say that it is a war for democracy. Perhaps in some far-off, divine sense it is — and I believe it

is; but we did not think of it in that light a year ago. We are thinking of it now because of the international alignment. It is a matter of surprise, when we open our maps, to see that more than three-quarters of the earth's surface is now nominally under republican rule, or what is equivalent; and that about the same proportion of the earth's population is now arrayed under the banner of republicanism. So it may very well seem to us, amidst these great changes, fighting against the Central Powers of Europe based upon principles of absolutism, and all the world struggling to be free, that we are fighting a battle for democracy. But if we are, we must look to something more fundamental than the mere surface of things, the mere proportions and statistics, which are often so deceptive and lead us into such ready illusion.

We are battling for law; we are battling not only for law, as a principle and as an aspiration, but we are battling for it as an accepted reality. I think it has not been pretended that the exclusion of American shipping from the use of the high seas without the risk of loss and destruction by a method such as is now employed, is in accordance with international law as an accepted actuality. In the strongest and clearest presentation of the case it is alleged that these acts are acts of reprisal, and not strictly legal acts; but we were the sufferers — we neutrals, we noncombatants, we innocents; we, with the rest of the neutrals and the noncombatants and the innocents, are the sufferers because of these reprisals. We are, therefore, battling for law in its real sense; but we are battling for it even more in its ideal sense, for our Republic, and all republics that are after its type, are the creatures of law, and not the creatures of force; and we find ourselves confronted not only by force, but by lawless force. Ours, then, is a battle for the law, and a battle in which every member of this Society has a deep and a lasting interest.

There are those who tell us that international law is a figment of the mind; that it does not exist; that it has been destroyed. International law can never be destroyed. It may be violated, its rules may be disobeyed, but so may the rules laid down by municipal law, or by any legal system; but the law is there, and, so far as it goes, so far as it is the expression of that justice toward which all law aspires, it is a reality in spite of violations. There is an analogy which has often impressed me, between the jurist and the man of science who is exploring the arcana of nature with the idea of discovering the truth. There is not a scientific text-book in the world ten years old that is fit to teach in school or college to-day. So when we find that our international law books are already uncertain and will have to be revised, this should not in the least shake our faith in the

reality and the solidity of the law. The search for justice is to the jurist, what the search for truth is to the physicist, the psychologist, and the historian. Let me say, with the strongest possible emphasis, gentlemen, that so long as the idea and the ideal of justice persists in the human mind — and it will never cease to persist — there will be international law.

But it is no part of my duty to participate, in the slightest degree, in the speech-making of the evening. I have the great honor and the great privilege of being the introducer of the apostles of eloquence whom we are happy to have with us to-night.

This city to-night presents the aspect of internationalism as perhaps it never has before. You cannot go a square without seeing, mingled with the Stars and Stripes, the flag of Great Britain, the flag of heroic France, and the flag of super-heroic Belgium. We glory, gentlemen, in this combination, and we are proud to be participants in it. It is a moment of intense internationalism, which we outwardly express and which we inwardly feel, and we cannot resist the sentiment that we are coming presently to a sense of international relations such as we have never had before in the history of mankind.

We have been boasting lately of that long line of three thousand miles between our great Republic and the independent, self-governing commonwealth on the north. And we and they have done well to glory in it; but we shall not repeat that boast; we are no longer proud that we are not enemies. We rejoice that we are friends, better friends than ever before.

The first land to the east of our dominion — and it is wholly east of it — is the snug little Province of Nova Scotia — a land of half a million inhabitants, a beautiful and lovely land, a land of romance, a land of joy, a land of beauty, a land of freedom — so free, in fact, that I understand they have no governmental taxes in Nova Scotia. The public budget is supplied by the royalty on the mines of the Province, if I am well informed, and they have very deep and very precious mines in Nova Scotia; and we have the pleasure of having one of the richest of them here to-night, in the presence of a learned jurist, a teacher and a writer of the law, a thinker and a doer of the law, whose charming eloquence we have listened to before during this conference, and to which we are very happy to listen now. I have the honor, gentlemen, to present to you Mr. Justice Russell, of the Supreme Court of Nova Scotia, our friend and our ally.

MR. JUSTICE RUSSELL. Mr. Toastmaster and gentlemen: One of the last things among the very pleasant and flattering things which the Toastmaster said, was, I am afraid, a delusion, and may, later on, prove a

snare — when he told you that there were no taxes levied in the Province of Nova Scotia. However true that may have been before a certain day in August, 1914, it is no longer true to-day; and one of the most surprising feelings that I had in this country was that when I went to send a telegram to a friend of mine, who happened to be in the City of Halifax, I was amazed to find that I had not to pay any war tax. The sensation was so unusual to me that it seemed as if there was something uncanny about it — something entirely as it ought not to have been. I express the hope that you will enjoy the privilege, later on, which we have been really and honestly and candidly enjoying, for the last two or three years, because it is surprising how well and easily and naturally we get used to such things, and our shoulders adjust themselves to burdens that we find we have, after all, to bear. However, let me go on with something that is more germane to our purposes.

As I was sitting here this evening, and thinking of the terrible ordeal that was confronting me, or about to confront me quite soon, and hoping that it would be mitigated a little bit by the postponement which would be effected by the interposition of an address from a Member of Congress from Virginia, I could not help recalling a little experience that I had when I happened to be a member of the Dominion House of Commons, as a colleague of the Right Honorable Sir Robert Borden, who is now Premier of Canada. I thought it would be well to make a little hay while the sun was shining, and was paying a visit to some of my constituents in the western part of the County of Halifax, near the rocks above Prospect, where the "Atlantic" landed prematurely some years ago, as perhaps you will remember, on April Fools' Day, and six hundred people were destroyed by drowning. Well, as I was returning, in the course of the evening, with a very zealous young friend of mine, and seeking the road to another little fishing hamlet along the coast — we had lost our way — it happened that there was an old farmer returning to his home from the market in Halifax — to his own little village of Herring Cove — and my young companion, a faithful and loyal supporter, asked him where our road broke off, and exactly what was the right road to take to our point of destination. He gave us the information that we desired, and then my young friend thought it would be an excellent thing, and might have some fortunate political results later on in the course of my humble career, to procure for me an introduction to the old farmer; so he told him, — confidentially, you know, — "I have got the Member for the County here." "The Member for the County?" said the old man. "For Gawd's sake let me see him," said he. "I have been votin on Members for the last sixty years, and I never

seen one yit." Well, it just flashed over me, in an instant of time, that a man who had never seen his Member for sixty years, and who had been reading the astonishing headlines in his party paper for all those sixty years, would have conceived some notion of him that would present him somewhat in the form of a superman — something, perhaps, of an Apollo Belvedere, or for all I knew, perhaps, of the Olympian Jove. That all went through my mind in an instant, and I was very glad indeed that the shadows of the evening were beginning to fall about us, and that they would, at all events, serve a little to mitigate his disappointment and postpone my humiliation.

There are no shadows of the evening upon us at the moment. We have not what Russell Lowell used to call "the frank prose of undissembling noon," but we have the glare of these electric lights, and we have the still more awful brightness that your Toastmaster has been bringing to bear upon me; and I must say that I am amazed at my own assurance in undertaking such a task as that of addressing a body so wise, so learned, so thoughtful as the company of gentlemen who meet here from year to year, studying these matters of international law.

I am reminded of a story of my old friend, the late Governor of Nova Scotia, Duncan Fraser, who was known, in his day, as the Guysborough giant. There are probably none here who can remember him, although I think I happen to see the face of a person here who would remember him. He was telling about a young candidate for the ministry, who was presenting himself to a new congregation, and making his experimental sermons, as he had been doing for two or three Sundays, and he came to his deacon to see how he was getting along, and he asked the deacon what he thought about the impression he was making, what his prospects were for a more permanent settlement. The old deacon said to him, "There is just one thing; I would advise you to write out your sermons before you give them to us." "Oh, no," he said, "it is not necessary at all. There is not the least bit of necessity for that. I speak extemporaneously, you know. I have the gift of inspiration which enables me to extemporize my sermons as I go along, and I do not need to write them out; I do not need to lean on the crutch of manuscript." "All the same," said the old deacon, "I would advise you to write them out before you give them to us." "Oh, no; not at all," and so on. So went the colloquy between the candidate and the deacon; and, at last, the deacon's neck began to get red, and his blood was up, and his Scotch dander was kindled, and he said, "I tell you, all the same, you write them out, because then you will know what damned nonsense it is you are giving us." I had fully intended to write out what

I was going to say to you here, and I have made serious and strenuous efforts to do it, but the truth of the matter is that I have not had a moment to do anything of the sort. My moments and days and hours have been so filled with various delightful exertions that have been going on here, with the discussions that we have been having, with all these illuminating treatises on international law, and all this vigorous discussion and controversy which have been crowding these days and hours, that I really have not been able to write out anything, and have not been able to fulfill my desire of setting what I wanted to say in order to present it to you in something like decent shape.

But has it struck you — I certainly think it must have — that while we have been formulating our principles and our technical doctrines of international law, striving to formulate them into a code, into a consistent and logical system, a regularly ordered chapter of our general system of jurisprudence, while we have been devoting ourselves to the study of the science of international law, while we have been talking about the regularity of blockades, and about what is permissible armament on merchant vessels, and what are the proper rules for capture and condemnation, and all that kind of thing — while we have been engaged in this way in formulating a scientific chapter of jurisprudence, a code of international law, forces have been at work abroad which have been reducing our counsel into utter foolishness, and absolutely destroying the whole body of this jurisprudence which we have been seeking to establish? Certainly those thoughts have been occurring to me to such a degree that even the most law-abiding of nations — I doubt if the most law-abiding of nations, although she was very vigorously and very ingeniously defended by Gilbert Murray in an article I read a while ago in the pages of *The Atlantic Monthly* — I doubt if he succeeded in showing that even England had lived up to her ideals of international law. I am afraid I will have to confess that he did not make an absolutely perfect, clear, and convincing case for the Mother of Parliaments — and one might say, “the mother or fountain of modern law for us.” I do not think so.

Perhaps that is natural; perhaps there is some truth in what the old lawyer of the Commonwealth said, “It is useless for people in the midst of the woods to say that they will walk nowhere except upon the King’s Highway”; that when you are in the midst of the woods the fact of the matter is that you must get out of the woods before you can walk on the highway, and you cannot consistently or reasonably say, as this old parliamentarian said, when you are in the midst of the woods that you will walk only upon the highway. I presume the fact of the matter is, — I do not think

closely about these subjects because they are not my specialty at all, as I know some other people here have been thinking and do think, — that we cannot regulate war by law, because war itself is the negation of law. War is not law; war is the antithesis of law, and it has often seemed to me, when I have read the old books on the laws of war, that it is just as much of a misnomer, and it is just as much of an absurdity as if you should have a work or a chapter or an article or a theory or a code to regularize the morals of a house of prostitution. It seems to me that would be something of a task of the same nature as to endeavor to codify laws which relate to war, because war, as I have said, seems to me to be the negation of all law; it is the substitution of force — brute force — for law. I think there is nothing else to do with it but to abolish war altogether.

In other words I am a pacifist, as Mr. Blaine used to say, “from the skin to the bone, and from the bone back to the skin again.” I am quite aware that that conviction or sentiment has not as long a course to traverse as it might have in the case of our genial Toastmaster here. I am a pacifist and it is not for naught that I spent a summer up there on the Catskill Mountains, in the genial atmosphere of the Mohonk Conference, and came to the conviction that the pacifists were right, and that there was to be no peace on this earth, and no ordered civilization in this world, until this awful institution of belligerency, of war, of the settlement of disputes by force of arms, instead of by reason and by reasoned counsel, was all brought to an end, until law was substituted for force. Those are the sentiments that I breathed in there; that is the atmosphere that I breathed there, and those were the principles with which I came away from that great conference at Mohonk two or three years ago.

The fact of the matter is, force is the antithesis of law. Might is not right. It is true that right sometimes, and, finally, in the last analysis, must prevail in a world that has any regularity, any order, any system in it at all — right must become might, and will become might; but might is not right. Therefore, I am a pacifist; but, as the old preacher said when he was calling his congregation with a horn, and somebody had put a pinch of snuff in it which had destroyed his articulation: “I am a man of peace, my friends, but let me catch the man that put the snuff in the horn.”

When the man-eating tiger is abroad in the earth, then we must be no longer pacifists; the whole community must chase him and must hunt him with whatever weapons are at hand and with whatever can be devised in order to get him; and if, in the chase or in the hunt, somebody's garden railing is smashed over, and somebody's flower garden is trampled to pieces, we will answer to him later, if he has the gall to ask for damages;

but, in the meantime, we are going to chase the tiger all we can and capture and destroy him, in order that the lives that he has destroyed and is about to destroy shall be expiated. That is the situation here to-day. If this war cannot bring about the result that never again can this kind of calamity happen in the history of the human race, if this war is not, with the aid of this great and mighty commonwealth, going to bring about such ends as that, and going to result in such issues as that, then, for my part, I should pray with all my heart for the advent of that comet that Huxley used to tell us about, which would strike the earth and reduce it into its original elements. We cannot live, as our President said the other day in opening the assembly in this room, in a world that is half despotic and half democratic. We must have all despotism or all democracy. I know you have read, — and much more deeply and much more recently probably than I have — the preface to Mr. Hall's book on International Law, and I suppose you have noticed what he has said in regard to recent developments. In the preface to his third edition, which is written with a nervous strength and literary finish and power which, for my own part, I do not find quite equaled by the other chapters in his book, he makes this prediction, or, rather, expresses this as one of the probabilities. He expresses doubt whether in the next great war — and he was speaking ten or fifteen years before the present war, if I am not mistaken — the sanctions of international law are going to be available and effective. He was thinking about the tremendous issues and contests that there will be between nations, the tremendous rival ambitions that there will be for trade and for power among the nations of the earth; he was thinking, I suppose, about the enormous strength and size of their armies and of their fleets; he was thinking about the intensity of the controversies that are going to arise between them; he was thinking, perhaps, of the diabolical ingenuity of the inventions that should be discovered, of the machinery that should be invented for the destruction of human life, and he doubted whether, in the presence of such a conflict and of such circumstances, international law would be available to rule and govern nations in their conflicts with one another. I think his anticipations have been more than justified by what we have seen about us in the last three years, when our President the other morning told us that there was no precept or prescription of international law which had not been violated by the Empire of Germany. He used expressions which I know did not satisfy the feelings of his heart, because I know, to use the expression of an old preacher in the City of Halifax, when the House of Lords, as he believed, had been rigged in such way as to give the legal victory to the "Wee Frees" against the

"National Church," of which he was a member, and to which he was a subscriber — I know that our President could not have expressed his sentiments, to his own satisfaction, within the Ten Commandments; but he used all the adjectives, I think, and the strongest adjectives that were available, without violating the decorum of the occasion. Every principle of international law, as he said, had been violated by the Central Powers in the course of their campaign, in the course of the struggle that has been going on for the past two or three years.

While that is true up to the present, let us hope that Mr. Hall will turn out to have been as fortunate and as correct in the balance of his prophecy as he has been in the part to which I have already alluded. He said that possibly this may be the case in the next great war, whenever it comes; but that ten years after that war the precepts and the prescriptions and the principles and the doctrines of international law will take on and achieve and win a solidity and a power over men's minds and over the acts of nations which they have never had in any modern period or in any period since they were first formulated by Grotius some three hundred years ago. Let us hope and pray, I say, that Mr. Hall may turn out to have been as fortunate and as correct in his anticipations as to the condition of the world ten years after the end of this war, as he has been with reference to the period of the war itself.

But those are not the things I came here to speak about, and it would have been a great intrusion on my part to have come here to speak on such subjects as those, about which there is hardly a man in this room who does not know more than I know myself. What I thought might be useful, what I thought might give me an apology, a *locus standi* in such an assemblage as this, was that I should be able to convey to you, in some feeble way, a sense of the feelings of the people of Canada, among whom I dwell, upon this auspicious occasion — the first meeting of the Society of International Law since the declaration of war has been made and given by your President to the Central Empires. I thought perhaps I might say something in reference to the feeling which Canada has to-day, and which Canada has in regard to your great Republic, and in respect and consideration of this great action which has been taken on the part of the great Republic of the United States.

Mr. Toastmaster and gentlemen, it has been a great joy and a great comfort to us all along that we knew that we had in our contest the support of your great newspapers, like the *Times*, like the *New York World* — and I say, — in spite of what Mr. Gerard said the other night, and, I think, rather unjustly, — even of the *New York Evening Post*, and of the great

journals and organs of public opinion throughout this country. I have spent hours and hours at the beginning of this war reading the correspondence in the columns of the *New York Post* and the editorials and correspondence in the *New York Times* and the *New York World*, just to brace me up and to keep myself in some sort of reasonable degree of comfort, in some sort of reasonable consolation in the trying circumstances under which our country found herself, and in bearing the burdens that have been cast upon us.

There was not a heart or home in Canada which did not have this matter, in some way, brought home to it, and brought home, I think, in the most expressive way, when we saw our young men going out. There was hardly a family of any respectable size in the Dominion of Canada that did not send one or more of its boys out to don the khaki, and be transported to the old country to take his place in the ranks, and to achieve, as they have done, the wonders that we have known in this terrible war; at Langemarck, in the terrible struggle to hold the Ypres salient, later on at Corselet, and in the capture of the ridge of Vimy. It was my profound comfort and happiness to know that I had a boy of my own in the terrible ordeal at Corselet. We got a cablegram one morning regretting to inform us that he was in a hospital, with a gun-shot wound in the head. Of course, we came to the instant conclusion that the next cablegram would be — for a gun-shot wound in the head is no very great joke — that we were never to see his face again, and that he was going to lie, as so many other good Canadians have, to sleep his last sleep on the sunny fields of France or Flanders. Fortunately, it turned out otherwise, in the good Providence of God, and he has been restored to us, and has returned to his own home. But there are many who have never returned, and there are many, many, who will never return. I am sure there is not a mother or a father in the whole Dominion of Canada who does not feel better comforted, more truly inwardly happy, and more truly inwardly satisfied, with the peace that passeth all understanding, in the sense that their sons have done their duty to their country, as some of your lads will do their duty to yours, — indeed, more true comfort than if they were among the slackers frequenting the movies or dancing in the music halls. I am sure that is the feeling of every mother and every father in Canada who has given a son to this great cause.

But what I wanted more to speak of was the feelings that we had with reference to your great people. I, myself, I am afraid, was amongst those who were a little inclined to be impatient at the reluctance of the American Republic to enter into this struggle at an earlier period. I am sure that I was, but I am sure also that I had no ground for criticism and no

ground for complaint, because when I began to think to myself and to look back over the records of the past forty or fifty years I remembered that in 1864 there was a little kingdom right north of Germany from which two splendid duchies were filched by the King of Prussia. That was an act which one of our greatest orators, Joseph Howe, who happened to be in London at the time, said was an act that had called forth the cry of "shame" from all Europe; and yet we not only stood silently by, we people of England, and her colonies, witnessing this humiliation and this injustice, but we did worse than that, because we had led these Danish people to suppose that they would have the assistance of England in their resistance of the Prussian enemy. Again, when our old ally, Austria, was dominated and controlled by the hand of the Prussian, we stood by, apparently disinterested, and certainly very neutral, spectators. And when, through the crafty ingenuity of Bismarck, through the strategy of Moltke and Roon, France was bled white, we stood silently by and we did exactly what you were doing until the other day.

So I began to realize that, after all, President Wilson, as the trustee of a great country, must consider only the interests and the rights — the interests; perhaps I should have stopped there — of his own beneficiaries, and that it was not for him, like a knight errant, to go abroad seeking struggles where they did not belong to him. He was the trustee for the people of the United States, and it occurred to me that there was no more reason and no more cause why he should interfere with this great struggle than why England should have interfered in the case of the duchies that were stolen from Denmark by Prussia, or in the overrunning of Austria by the Prussian, or the bleeding white of the beautiful Republic of France in the Franco-Prussian War in 1870. That was the reasonable conviction and conclusion at which most of us arrived; but, at the same time, we could not help feeling in our bones that it would be a grand thing if circumstances should justify and warrant the great Republic there to the south of us in throwing her lot in with us, and helping to take a little of the burden off the shoulders of our valiant warriors. It was a proud day for us, and a day of great rejoicing throughout the Dominion of Canada, and I know it must have been a day of great rejoicing throughout the whole British Empire, and perhaps, throughout the whole civilized world, when the news was flashed broadcast that, for good or evil, for better or for worse, the great power and influence and wealth and patriotism and courage and statesmanship of this great Republic had been thrown into the balance on the side of those who, nevertheless, might have, without your assistance, achieved victory, but for whom victory was rendered

absolutely secure and certain by the adherence to their cause of the great and glorious Republic of America. And how gladly did we receive the news, for we knew, and I knew and felt, that some day this great young Republic — I say “young” comparatively, because everything goes by relations, by proportions — which had the courage more than a hundred years ago, when it was not at all sure of any assistance from France or from any other Power, to challenge the greatly superior power of Great Britain; which sixty odd years ago fought and endured the agony of four years of Civil War between the north and the south, each with its own ideals, enduring until the end, until it was impossible that the war could go on any longer; which, before that, in its infancy, had challenged and cleaned out the Barbary pirates; which, in the War of 1812, when Jefferson said something like this: “England is a nest of pirates and France is a den of thieves,” although in a state of very considerable disunion, nevertheless challenged the great naval power of England, which was enormous — that some day this great, glorious Republic would take its place, and at the right day and at the right time. It could not have more opportunely come to the assistance of the Allies than at the moment when it did come into the struggle, providentially for us. And I have this feeling about it, that it added to the moral weight of the conviction which made us feel that we were right in this war. There is an old maxim, I think, of the Catholic Church, if I am not mistaken — I am no authority on it at all — but I think it was Father Newman who said he found it ringing in his ears: “When the whole world says a thing, it must be right.” And when the whole world is combined together in fighting these Central Empires, it cannot be but that we are absolutely right in the attitude we have taken and in the struggle in which we are engaged. That is the way we felt when the American Republic came into it — that the whole world was in it with us. *Securus judicat orbis terrarum.*

In a chapter which a very thoughtful friend of mine called to my attention, Emerson in speaking about Napoleon — and he does give praise to Napoleon, as Goethe did, notwithstanding his own country was under the heel of Napoleon; yet he could not help admiring the genius of the man in action — says — and this has always given me a great deal of comfort — “but his mission was an impossible one. He aspired to universal dominion, and universal dominion is a thing that cannot be achieved.” It cannot be achieved in this modern world; and we say the same thing about the attempt or effort or ambition of the King of Prussia and the Emperor of Germany to attain universal dominion, that the world will not stand it; there is no danger of it; it is utterly impossible that the world will ever be

reduced to a condition of that sort; it would not stand it a hundred years ago, and it is a hundred times less possible that it will stand it to-day, and that is our guarantee that this awful struggle will end in a victory for our arms. Nevertheless, it was a grand consummation for us, it was a glorious thing for us, it was an infinite consolation for us, when Woodrow Wilson told the Senate and the House of Representatives and the people of this great country in that most remarkable state paper, which had all the strength of Lincoln and all the charm of Wilson, in terms that will stand the light of the day of Judgment, that the time had come, and closing, in fact, with the very words of Martin Luther, "When, God helping us, we could do no other than join with the ranks of those who are to bring this power to its doom."

It was a glorious day for us, a day that "waked to ecstasy the living lyre" of the Poet Laureate of England, when he wrote with a spirit and power sadly lacking in much of his other work these lines:

- "What is the voice I hear
 On the wind of the Western sea?
 Sentinel, listen from out Cape Clear
 And say what the voice may be.
 'Tis a proud, free people, calling aloud
 To a people proud and free.
- "And it says to them, 'Kinsmen hail!
 We severed have been too long;
 Now let us done with the wornout tale —
 The tale of an ancient wrong;
 And our friendship last long as love doth last,
 And be stronger than death is strong!' "
- "Answer them, sons of the selfsame race,
 And blood of the selfsame clan,
 Let us speak with each other face to face,
 And answer as man to man.
 And loyally love and trust each other
 As none but free men can.
- "Yes, this is the voice on the bluff March gale:
 'We have severed been too long;
 And now we have done with the wornout tale —
 The tale of an ancient wrong;
 And our friendship shall last long as love doth last,
 And be stronger than death is strong.' "

The TOASTMASTER. Mr. Justice, I am sure I interpret the feelings of this assembly when I thank you for your eloquent message, when I thank you for the breadth of your view, the intensity of your sympathy, and the depth of your comprehension. We were your peers, sir, in the love of peace, and we have shown it; but we are with you in this war.

Gentlemen, there are other casualties of the war, besides the foreign mission for the President of this Society and the infliction of myself upon you as the toastmaster of this occasion. We have on this program for the evening the names of three speakers, from whom we should be glad to hear, because two of them represent the House of Representatives of the United States, and one of them the Senate. The first speaker of this occasion was to have been ex-Governor Montague, of Virginia, a member of the House; another, the Honorable Mr. Temple, of Pennsylvania; and a member of the Senate, the Honorable Mr. Williams. But these gentlemen are performing perhaps at this moment a higher duty than they could perform here by words, however eloquent. They are engaged in considering those great and important questions upon which our usefulness in this great contest so largely depends; they are preparing to ask of us the sacrifice which you, sir, have so nobly made. I hope we may never receive telegrams telling us that our sons and younger brothers are in hospitals in lovely France — no; not even in hospitals in Germany. We do not want that intelligence; but we want to raise an army so great, so formidable, that the very presence and purpose of it may abbreviate this dreadful conflict.

(Cries of "Hear," "Hear," and applause.)

But if it be the will of the Higher Power that we send those sons, that they bleed for this cause, and our hearts bleed for them as your heart, sir, and the hearts of your compatriots, have bled, then we say, "Blessed be the opportunity to rise to that level."

Very much has been said among us with regard to our diplomacy and our diplomatic service. Often we have treated it as a joke, and it has sometimes been the only way in which a nation with a sense of humor — which I assure you, sir, with all our deep solemnity, we do not lack, in which we could treat it. But we have grown up somewhat in that also. We have had in our foreign diplomacy men of great talent, great wisdom, great specific capacity; men who have defended the rights and interests of our country in hard places, and who have covered themselves with honor. I see two of them in my immediate presence. There are others in this assembly. And one of them we shall have the great pleasure of hearing from now, a member and vice-president of this Society, and I think I am not

resorting to legend and I am not disclosing any well-guarded secrets when I say that it was in his house that this Society was born, and it was his hand that rocked its cradle. It has been nursed by others, but it is interesting for us to know that it was largely his breadth of view, his experience, his knowledge of law, and of international law, and the need our country had for a better understanding and cultivation of it, that, among other causes, led to the formation of this Society. I need not formally present this gentleman; he is better known to you than myself who present him. He has held important diplomatic posts; he has filled great stations and fills an important station now in our own country, and over all his work is written "Well done." He has done a great service to his country; he has great service yet to render to his country, for there is no truer-hearted American, there is no better-trusted leader and guide in American thought and opinion than the Honorable Oscar Straus, who will now address us.

Hon. OSCAR S. STRAUS. Mr. Chairman, modesty compels me to say I failed to recognize myself in the very complimentary introduction that you have given me. It is another evidence of your magnificent generosity.

You stated that you were conscripted to-night to act as chairman, which is another evidence of the splendid results conscription yields.

At lunch to-day we were talking of Cicero, who began his famous oration, "The Philippicus," with "Patres Conscripti." Mr. Ralston, the eminent authority on international law amidst so many eminent authorities, translated that "Fathers select men." In other words, "conscription by selection," and that is what our country is about to do, — select for fitness those that are best equipped to form its great army, to stand with her allies, and to defend freedom throughout the world. I hope before another day is past Congress will profit by the experience of Great Britain, and equip the President with the right to select the best, most competent, and fit army in order to defend her liberties.

It was said the other day, when the *Mongolia* sank a submarine, that America had discharged her first shot in this war. That is not correct. The first shot was not fired by America. The first shot was fired when the *Lusitania* was sunk. That shot has rankled in our hearts and souls, and America feels a sense of elation now that the time has come when she shall fire her return shot, and she will fire it with all the power that she has, for her benefit and for the benefit of her allies.

A dictum has come down to us through the corridors of the autocratic past, *inter arma silent leges*, amid wars the laws are silent. This meeting in

our capital of the American Society of International Law is in keeping with the spirit of our democratic institutions. The fact that we are here assembled in the throes of preparation to take our part in the world war is proof that in America the laws are never silent. The laws which embody the conscience of the nation never slumber.

Had the same spirit prevailed in autocratic Austria in July, 1914, and in autocratic Germany a month later, there would have been no ravishing of Belgium, and mankind would have been spared the most intensified and widespread horrors in all history. Had the empires of the Hapsburgs and the Hohenzollerns been under governments of laws instead of under governments where the will of the autocrat was the highest law, had those empires been under governments "deriving their just powers from the consent of the governed," this war could not have taken place.

In all history militarism has never dominated a democracy. Free government is the antithesis of militarism. Where militarism prevails there can be no free government, and where free government prevails there can be no militarism. The bravery and martyrdom of Belgium will stand out for all time as the most impressive sacrifice for the maintenance of international law and the sanctity of international obligations in the whole history of the world. Had the conscience of the Government and the people of Great Britain been so dulled as to refuse to stand by Belgium in her heroic struggle, and to condone the outrage upon the laws of civilized nations on the part of Germany, international anarchy would have been substituted for international law.

When the war began many people in this country — and for that, many people in Great Britain — by reason that the two foremost democratic states of Europe were allied with Russia, the most extreme medieval autocracy, failed to recognize the basic issues of the war, — the conflict between democracy and autocracy. Some even feared that a victory for the Allies would so augment the autocratic power of Russia, with her 170 million population, that she would dominate the Entente Powers after the war, and that the triumph of the Allies, instead of being a victory for democracy, might be even a greater disaster than the victory of the Central Powers. Recent events, the sudden overthrow of Czardom in Russia, and the establishment of a democratic government, swept away as by magic the dark clouds that obscured the mountain tops, and revealed in full clarity the true issues of the world conflict.

Does anyone believe that if Russia had been allied with the Hapsburgs and the Hohenzollerns, this wonderful dethronement of autocracy, and the erection of democracy, could possibly have taken place? Never. It is

because she was allied with the free governments of Great Britain and France that her people had the courage and the spirit to overthrow the medieval despotism and to erect upon its ruins the freedom of its people.

Whatever doubts there may have been — and there were doubts — as to the duty of our country, were removed by the President in his address to Congress on April 2d, a state paper which in elevation of spirit, and in visioned statesmanship, is destined to live and to be treasured in our annals together with the Declaration of Independence. Just as Jefferson's declaration has been the chart of our freedom, so will Wilson's declaration be the chart for the democracies of the world. Under it, to use the President's phrase, we enter into a "partnership of democratic nations — a concert of free people — as shall bring peace and safety to all nations and make the world itself at last free."

For the first time in history, as our Chairman has so eloquently stated, the dominant nations of the world, being democracies, will be leagued together by a common purpose and by a comradeship in sacrifice to uphold law and international justice. May they never lay down their arms until those purposes are achieved, until there are no autocracies sufficiently powerful to menace the future happiness and peace of the world. The immortal words of Lincoln, that this country cannot be half slave and half free, have a wider significance. The world cannot be half autocratic and half democratic. Napoleon foreshadowed this same thought in his statement that Europe would be either Cossack or republican. Were he to phrase it now, in the light of Russian freedom, he would say, "Europe will be either democratic or Prussian." And, thank God, we have entered into this contest so that there need be no doubt that Europe shall be democratic.

We have not entered this war for conquest or for commerce; we have not entered it to protect our soil, but to safeguard our national soul; we have not entered it in a spirit of revenge or hatred for any people, but in a spirit of humanity, so that we may hand down to our children's children the blessings of liberty for which the Fathers of our Republic sacrificed their blood and their might, and of which we, their descendants and heritors, will show ourselves worthy, verifying the poet's prophecy that

"Freedom's battle once begun,
Bequeathed from bleeding sire to son,
Though baffled oft, is ever won."

The TOASTMASTER. It would be very delightful, gentlemen, if our friends from England and from France, who are in this city holding conference at this time, could join us here and mingle their sentiments with

ours. I am informed that we may not altogether miss that opportunity. There is with us to-night, I believe, a member of the French Commission, M. Allain, and, if I am not misinformed, I hope we may have the pleasure of a word from him.

Mr. FRÉDÉRIC ALLAIN. Mr. Toastmaster, and gentlemen, I am completely taken by surprise. I had come here on the invitation of my friend, Mr. Léon, with a satisfied conscience that having done my duty in New York with the French Commission, my recompense was to come amidst you and participate in this excellent dinner, without experiencing the terrible ordeal of pronouncing a few words after dinner, and especially after such orators as we have heard. I feel, gentlemen, that I am a victim of the questions of the day. I have heard a great deal to-night about conscription and selection; I am a victim of both. Here I am, utterly unprepared, a French lawyer from Paris, who has to pronounce in front of such an audience as this a short speech — for you may depend it will be a few words. I feel as would a man who was instantly sent to the operating table, with appendicitis, who would have to be operated upon at once, without a minute's hesitation. Here I am, a poor unknown soldier, to whom this high general comes and says — "Take your gun and fight." And I have got to fight.

Gentlemen, allow me, first, to beg your kindness in hearing me to-night. I am a Frenchman, and if my English is not up to date, you will kindly pardon me.

I have had to-day one of the greatest joys of my life. I have come to this beautiful capital and seen the magnificent flags of the United States and France united, together.

Mr. JAMES BROWN SCOTT. This is not the first time.

Mr. ALLAIN. I know it is not the first time; but ever since I was a boy I have always hoped that they would be united in the great cause that we are now fighting for. I have had the privilege of being a Frenchman born in America, and from my cradle I have united in the same love the Star Spangled Banner and the Tricolor. While a boy, a few months before the Franco-German War of 1870, I went to France, the native land of my forefathers, and was brought up there, but I have not entirely forgotten my English, thanks to God. I must say that the practice of law in Paris has kept me going for the last thirty years, and that the proudest part of my work has always been to help Americans who were in trouble in Paris, with all my might and with all the legal science which I may have acquired. I am, therefore, gentlemen, a case that you might study with interest:

born in the United States, of a French father, I am both an American citizen under the American law, and a Frenchman under the French law. Now, you will have to decide about that, the laws of both countries being in conflict.

When I returned to New York at the request of the Minister of War, to establish the legal department of the French Purchasing Commission, I was indeed very proud of the choice. The Minister of War was kind enough to tell me that he thought I would probably be the right man in the right place, because I could speak English and I loved America and Americans, had lived in America for some time, had practiced law in New York for one or two years, and that, probably, I could be helpful here in solving the difficulties we have to struggle with during this war. I was very glad indeed of the opportunity thus offered to me of returning to this country. I had left New York thirty years ago. I still remember the old coaches drawn up Broadway by horses, but I had not the slightest idea as to what a "sky-scraper" looked like, or the wonderful "underground."

I was then living in a small town near New York and when the time of elections came, I was persuaded by both parties that I was undoubtedly an American citizen and that I should not hesitate to vote. I must acknowledge that my political education was very meager, and that I ignored to the last moment on what side I would cast my vote. Talking it over with my coachman on the very eve of election day, I ventured to ask him who was his candidate, and, would you believe, he answered, "Why, sir, I do not know, as I have received nothing yet from either side!" I had to explain to him that he should vote only according to his conscience, and I am convinced that, nowadays, citizens are not prompted by such arguments as might have convinced my unprincipled coachman of 1880. But let us not linger any more on past recollections, when the present is so glorious and the future so promising.

To-day have I not witnessed a magnificent spectacle? I mean the presence in Washington of Marshall Joffre (you know how we love him in France; we call him Papa Joffre), and also of our great orator and my eminent colleague of the French bar, M. Viviani. I shall always remember M. Viviani when he made his first contest at the bar; he was so extremely eloquent and easy in his speech that we all admired him. At that time he made the contest on a question of law between junior lawyers, and, immediately after that first speech, he was selected and appointed as Secretary of the Conference of Advocates of Paris for the next year. Since that time he has gone on and on, and now has attained the first rank in France;

and no better man could have been sent to this beautiful, magnificent, democratic country than Viviani. Their presence in America as high emissaries of the French Republic is a step towards the victory of democracy and of justice over tyranny and brutal force. We are all worshipers of international law, and we have seen its principles violated and trodden upon by Germany since the beginning of this abominable war. Let me tell you, gentlemen, that the time will come when international law will rise once more and dictate to and impose its rightful rules upon all nations; but that will not be so long as Germany and its allies are not defeated and brought to terms. Then the rights of nations as well as the rights of individuals shall be respected, and then only shall justice for all reign in the world.

Gentlemen, we have all certainly been fortunate in this opportunity to listen to the magnificent oratory we have heard to-night, and I will not take any more of your time; but let me thank you for the very great privilege you have accorded me and the great honor you have done me in permitting me to speak even these few words, unworthy of such an assemblage as this.

The TOASTMASTER. We thank you for your prompt and hearty compliance with our law of conscription, and we think we have now added another proof not only of the efficacy of it, but of the inherent excellency of it. We perhaps never before realized what a fine thing the law is; that it can make of a man an American and a Frenchman at the same time. It looks a good deal like a mixed nationality, in which all of America goes over into France, and all of France comes over here, as it came, happily, once before, to America. We have never forgotten it, and we do not forget it now, and if we can pay, in this hour, some slight portion of the great debt we owe to your country — your other country — we shall be very happy to pay it, sir.

But, speaking of mixed nationality naturally leads one to think of mixed justice and a mixed court. Lest we get too much mixed by this compound mixture, let me explain that my thought is directed toward a certain judge, who is sitting before me, who, by heredity and attainment and practice, is a jurist to his finger tips. I refer to Judge Sheldon Amos, of the Mixed Egyptian Court, whom we are very happy to have with us to-night, and from whom we shall be glad to hear. May we have that great pleasure?

Hon. SHELDON AMOS. Mr. Chairman and gentlemen, I want first to associate myself very heartily with the opening remarks of my French colleague; but I want to call attention to the extreme thinness of the excuse he offered. He said he was a Frenchman. Now, that is a very thin excuse

when one is called upon to make an extemporaneous dissertation. I, unfortunately, have a very much better excuse because I belong to a naturally tongue-tied nation; I am an Englishman.

Mr. Chairman, I feel that during the last — I was going to say the last three years, but I will go farther and say that during the last three months, — we have been witnesses of events of such a kind, that though it seems impossible to speak of them in adequate language, they are events which one feels would make stones wish to speak — to say something. One can imagine a modern Pygmalion, creating from cold marble a modern Galatea, and, without adding the last touch of the chisel which brought the statue to life, if he just whispered into her ear that the Czar has abdicated and that the United States has come into the war, we feel it would bring the statue to life and it would have to say something. Without claiming the personal graces of Galatea, I feel, as the cold marble, that we must say something; but I can scarcely think of anything except the marvelous impression made in England by the receipt of news from Russia about six weeks ago, when there came a doubtful message that the Duma had been dissolved. There was then complete silence for five days, and then we heard that the impossible had happened; that a new chapter in the history of the world had been written. It took us a long while to catch our breaths, and then we realized that we were on the eve of an entirely new era. Everything seemed possible. I speak from my own internal reflections. I am a democrat, by education and by prejudice; but I am sure that I felt, as perhaps a great many people here in America, where you have the true religion of democracy, may have felt, a renewed faith in democratic institutions. We feel that democracy can produce unbelievable events. Since the war, there have been two or three miraculous events that have happened. There has been the victory of the Marne, and there has been the Russian revolution. Now, naturally, we all associate in our minds that second great event with the great event which is chiefly in our minds to-night, and that is the adherence of the United States to our common cause, and we cannot help feeling that, by some happy guidance of affairs, by Providence, these two events have combined. If I may resort to the vernacular of the football field — and I hope this simile will appeal to you, because I am not certain that you play the game here precisely the same way as we do in England, where skillful “passing” is a very important part of the game, — one feels that Russia made a good sprint towards goal, and passed forward; and then the United States took the ball, with very great skill, and is now sprinting toward the goal. Neither event could have happened without the combined “passing” of those two principal char-

acters in the *dramatis personæ*. That is how we feel about these two events in England. They are events that we have always hoped and prayed for, but it hardly seemed conceivable that they could happen.

I shall not attempt to rival the superb eloquence with which Mr. Justice Russell has expressed the sense of consolation and support that we felt in this great crisis of the war, when we received the official, public adherence of your great country to our cause. We have been conscious all along of your moral support, but our confidence has been immensely stimulated by this great event of your official participation, and I need not dwell upon the obvious fact of the immeasurable benefit which your assistance will be. We have known that we were right from the beginning, but we wanted to be told so by this great country. When there comes the time, as there does in every man's life, when he is "up against it," you know how glad he is to have a friend tell him to "Go on," especially if that friend be a great big fellow and is willing to help him. The feeling that all of us have about America is one of gratitude and encouragement. I think I cannot add anything to that, Mr. Chairman.

The TOASTMASTER. We thank you, Mr. Justice, and we feel a keen sense of appreciation of the opportunity of these intimate exchanges of our thoughts and feelings in this common cause.

What you have said, sir, with regard to Russia, is equally significant, and, in one sense, more significant to us. It would have been a very difficult thing to impress the American people with the idea that this war meant democracy battling against autocracy, if we had been obliged, for conscience's sake, to enter into this war without the political change that has occurred in Russia. That has had an immense meaning for us; it has given us positive evidence of what we instinctively believed — that in spite of the apparent association of the democratic allies with their autocratic ally, this is, after all, the cause of democracy, the cause of law against arbitrary force, the cause of that law that recognizes the rights, the responsibilities of the human individual, which is the basis of all democracy.

We are so fortunate as to have with us to-night a professor in the University of Petrograd, who comes to us, perhaps, with some word of salutation, greeting or cheer from that newest of all republics, of which we may truly say, in one sense at least, "Time's noblest offspring is the last." And so I will ask Professor Shatsky, who I believe is present, to address us.

Professor B. SHATSKY. Mr. Chairman and gentlemen, I consider it a great honor and privilege to address this great audience. I think you will believe that I am not very familiar with the English language, and for

the man who is obliged to speak in a foreign tongue there are just two ways open. The first one is to read a carefully prepared written statement, and the second one is not to be afraid of some mistakes, and to speak with open heart and to try to make himself understood. Perhaps you will forgive me if I choose the second way.

Mr. Chairman, I am very happy to say that I can greet you in the name of the men who are now representing the public opinion in Russia. I am authorized by the president of the Duma, Mr. Radzianko, and by Professor Miliukoff, now the Minister of Foreign Affairs, to say to you and to the people of the United States, that it is the desire of these men that closer relations be established between the Russian and the American peoples.

Gentlemen, a new Russia is now born. This year is the year of the cradle of Russian liberty, and this year, 1917, means for Russia just the same as the year 1776 meant for the United States. Your applause gives me sufficient proof that you appreciate these new conditions in Russia, and I am perfectly sure that in the cradle of Russian liberty we shall find not only the sympathy but also the assistance of the great American people.

Gentlemen, I suppose you all have heard about the rumors that Germany is going to propose a separate peace, or something like that, with Russia. Now, in the spirit of the Russian Government and in the spirit of the great Russian democracy, I can positively assure you that under no circumstances will it ever be possible for Germany to conclude a separate peace with Russia. Never could this revolution in Russia have been so glorious and so bloodless, if the plain people in Russia, if the men of the street in Russia, did not understand that victory over the Germans is the most necessary and desirable thing for Russia, and this revolution was brought about in order that the war might surely be carried on to success and victory, and not that a separate peace might be concluded with Germany.

Let me tell you more, gentlemen. I think that the cause of democracy is now greatly advanced by this Russian revolution. It is no longer a form only; it is now a reality, that democracy is fighting autocracy. As a professor of constitutional law, somewhat familiar with international law, I think that the night for international law is now — and the night is very dark — but the bright beacon is shining in the future, and I am perfectly sure that its ideals are soon to be realized in full, and that there will be an international organization for permanent peace. I do not know how it will be brought about after the victory, but I am perfectly sure that after all the suffering which we have been through, we shall then have a new, happy, and glorious world.

The TOASTMASTER. Gentlemen, we might very easily prolong these exercises, but we have now arrived at an appropriate hour for separation. I think we shall unite in feeling, as we separate to-night, that we go away with a greater confidence in happy international relations than we have ever felt before; that we shall leave this place with a new conviction, an intensified conviction that the great day of international law is coming, and coming soon. I hope that when we meet again, it will not be night, and if not the full-orbed day, at least the dawn.

The meeting is adjourned.

(Whereupon, at 11:15 o'clock P.M., the guests departed.)